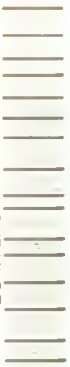


Environmental Law

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INI 422F/ESE 1701: READING LIST

The required course material is: D. Estrin and J. Swaigen [eds.], Environment on Trial (3rd edition), (Toronto: Emond Montgomery Publications, 1993). It is available for \$48 at CIELAP, 517 College Street, Suite 400.

While Environment on Trial is the required text, the course still depends on a supplemental reading list. Reading materials are at Kinko's, 459 Bloor Street West, packet number TBA. These readings are also available at the Innis reading room, Earth Sciences Library, and other locations that will be announced.

Also, there will be a number of copies available in the libraries of: P. Muldoon and R. Lindgren, The Environmental Bill of Rights: A Practical Guide (Toronto: Emond Montgomery Publications, 1995).

Finally, you will also find one copy of M.A. Banks, 1974. Using a Law Library on the reserve shelf in the Innis reading room.

OVERVIEW TO THE CANADIAN JUDICIAL SYSTEM

Estrin and Swaigen, Environment on Trial, Chapter 1, pp. 3-20; and Chapter 2, pp. 22-40.

D.L. Gibson and T.G. Murphy, 1989. All About Law: Exploring the Canadian Legal System, (Toronto: John Wiley and Son), Chapters 1 to 3, pp. 1-67.

The Canadian Constitution - Constitution Act, 1867, ss. 91-92.

Constitution Act, 1982 - Canadian Charter of Rights and Freedoms.

Judith Hanebury, 1992. "The Environment in the Current Constitution", Alternatives, Vol. 18, No. 4, pp. 14-17.

Energy Probe v. A.G. Canada (1994), 17 O.R.(3d) 717 (H.C.)

Canadian Council of Ministers of the Environment, "A Canada-Wide Accord on Environmental Harmonization" and Sub-Agreements on Inspections, Standard-Setting and Environmental Assessment (January, 1998)

Standing Committee on Environment and Sustainable Development, Harmonization and Environmental Protection: An Analysis of the Harmonization Initiative of the Canadian Council of Ministers of the Environment (December, 1997) (Excerpts).

Canadian Environmental Law Association v. The Minister of the Environment, Federal Court of Canada, dated April 27, 1999.

Canada v. Hydro Quebec (1998), 24 C.E.L.R. (N.S.) 168 (S.C.C.).

J. F. Castrilli, "R. v. Hydro Quebec: The Criminal Law Power May Hinder the Future of Federal Protection of the Environment" (1998) 9 C.R.(5th) 312.

THE ENVIRONMENTAL PLANNING PROCESS

Estrin and Swaigen, Environment on Trial, Chapter 9, pp. 185-224.

E. Hughes, A. Lucas and W. Tilleman [Eds.], 1998. Environmental Law and Policy, (Toronto: Emond Montgomery), Chapter 6.

Federal Environmental Assessment Review Office and Environment Canada, Backgrounder, October 6, 1994.

Ofner Essex Resources v. Ontario (1996) 18 C.E.L.R. (N.S.) 317 (Div. Ct.).

News Release and Background Information, Ministry of the Environment and Energy, "Ontario Strengthens Environmental Assessment" June 13, 1996.

Marcia Valiante, "Evaluating Ontario's Environmental Assessment Reforms" (1998) 8 Journal of Environmental Law and Policy 215 to 264.

Environmental Assessment Board, Decision and Reasons for Decision, *Notre Development Corporation (Adams Mine Site)* (June 19, 1998).

POLLUTION CONTROL: STANDARD SETTING, APPROVALS & ENFORCEMENT

Estrin and Swaigen, Environment on Trial, Chapter 16, pp. 436-458; and Chapter 3, pp. 48-72.

E. Hughes, A. Lucas and W. Tilleman [Eds.], 1998 Environmental Law and Policy, (Toronto: Emond Montgomery), Chapter 5.

B. Mausberg, 1990. Still Going to Bat for Water Quality? A Four Year Review of MISA, (Toronto: Pollution Probe and the Canadian Institute for Environmental Law and Policy), Excerpts.

Ontario Ministry of the Environment, 1993. Candidate Substances List for Bans and Phase-outs, executive summary.

Ontario Ministry of the Environment, 1984. Water Management, Goals, Policies, Objectives and Implementation Procedures, pp. 1-45.

B. Commoner, 1988. "Failure of the Environmental Effort", Environmental Law Reporter, Vol. 18, pp. 10195-99.

Government of Canada, Toxics Substances Management Plan (1995)

Government of Canada, CEPA Review: The Government Response - Environmental Protection Legislation Designed for the Future - A Renewed CEPA - A Proposal December, 1995.

Bill C-32 - Canadian Environmental Protection Act - Excerpts

P. Muldoon and M. Winfield, Presentation to the House of Commons Standing Committee on Environment and Sustainable Development Regarding Bill C-32, The Canadian Environmental Protection Act, CELA Brief, No. 346, June 2, 1998.

Report of the Commissioner of the Environment and Sustainable Development to the House of Commons, Managing Toxic Substances, Chapter 4 - Managing the Risks of Toxic Substances: Obstacles to Progress (1999).

D. Kramer, 1991. "Green Cops to the Rescue", Probe Post, Vol. 14, No. 2, pp. 14-17.

Ontario, Better, Stronger, Clearer - Environmental Regulations for Ontario (1997).

K. Cooper, "The Undated Chronological Guide to Changes in Ontario Policy" January-March, Intervenor, 1999.

ENVIRONMENTAL RIGHTS: PARTICIPATION IN ENVIRONMENTAL HEARINGS

Estrin and Swaigen, Environment on Trial, Chapter 25, pp. 794-814, & Chapter 4, pp. 77-100.

F. Gertler, P. Muldoon and M. Valiante, 1990. "Public Access to Environmental Justice", in Sustainable Development in Canada: Options for Law Reform, (Ottawa: Canadian Bar Association), pp. 79-97.

Environmental Bill of Rights, Part II

ENVIRONMENTAL RIGHTS: USING THE COURTS

Estrin and Swaigen, Environment on Trial, Chapter 6, pp. 108-121.

Hughes, A. Lucas and W. Tilleman [Eds.], 1998. Environmental Law and Policy, (Toronto: Emond Montgomery), Chapter 3.

M. Valiante and P. Muldoon, "A Foot in the Door: A Survey of Recent Trends in Access to Environmental Justice" in S. A. Kennett, (ed) Law and Process in Environmental Management (1993).

Environmental Bill of Rights, Part V & VI

Barker v. Ministry of the Environment and Energy Environmental Appeal Board, May, 1996.

INTERNATIONAL ENVIRONMENTAL LAW

Great Lakes Water Quality Agreement, 1978

Hughes, A. Lucas and W. Tilleman [Eds.], 1992. Environmental Law and Policy (Toronto: Emond Montgomery), Chapter 15.

Botts/Muldoon, Great Lakes Water Quality Agreement: Its Past Successes and Uncertain Future Summary, April 1997.